

1
2 IN THE UNITED STATES DISTRICT COURT
3
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 DANNY M. SINGSON,

No. C 09-5023 SI and No. C 11-1863 SI

6 Plaintiff,

SPECIAL VERDICT

7 v.
8 CITY OF MILLBRAE, MARK RAFFAELLI,
9 NEIL TELFORD, MARCIA RAINES,

10 Defendants.

11 /

12 We the jury unanimously find as follows on the questions submitted to us:\

Part A. **Claims against Defendant Neil Telford:**
Section 1983 Claim - Retaliation for Exercise of First Amendment Rights

1. Did plaintiff Danny Singson prove, by a preponderance of the evidence, that defendant Neil Telford retaliated against plaintiff Singson for exercising his First Amendment rights?

Yes **No**

If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part B.

2. Did defendant Telford prove, by a preponderance of the evidence, that he would have taken the same actions against plaintiff Singson even in the absence of the protected conduct?

Yes **No**

If your answer to this question is “Yes,” go directly to Part B. If your answer to this question is “No,” then please answer the next question.

3. Did plaintiff Singson prove, by a preponderance of the evidence, that he was harmed as a result of defendant Telford's actions?

Yes _____ No _____

Please go to Part B.

Part B. **Claims against Defendant Marcia Raines:**
Section 1983 Claim - Retaliation for Exercise of First Amendment Rights

1. Did plaintiff Danny Singson prove, by a preponderance of the evidence, that defendant Marcia Raines retaliated against plaintiff Singson for exercising his First Amendment rights?

Yes **No**

If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part C.

2. Did defendant Raines prove, by a preponderance of the evidence, that she would have taken the same actions against plaintiff Singson even in the absence of the protected conduct?

Yes _____ **No** _____

If your answer to this question is “Yes,” go directly to Part C. If your answer to this question is “No,” then please answer the next question.

3. Did plaintiff Singson prove, by a preponderance of the evidence, that he was harmed as a result of defendant Raines's actions?

Yes _____ No _____

Please go to Part C.

1 **Part C. Claims against Defendant Mark Raffaelli:**
2 **Section 1983 Claim - Retaliation for Exercise of First Amendment Rights**

3 1. Did plaintiff Danny Singson prove, by a preponderance of the evidence, that
4 defendant Mark Raffaelli retaliated against plaintiff Singson for exercising his First Amendment rights?

5 Yes _____ No _____

6 If your answer to this question is “Yes,” then please answer the next question. If your answer to this
7 question is “No,” go directly to Part E.

8 2. Did defendant Raffaelli prove, by a preponderance of the evidence, that he would
9 have taken the same actions against plaintiff Singson even in the absence of the protected conduct?

10 Yes _____ No _____

11 If your answer to this question is “Yes,” go directly to Part E. If your answer to this question is “No,”
12 then please answer the next question.

13 3. Did plaintiff Singson prove, by a preponderance of the evidence, that he was
14 harmed as a result of defendant Raffaelli’s actions?

15 Yes _____ No _____

16 Please go to Part D.

Part D. **Claims against Defendant City of Millbrae:**
Section 1983 Claim - Ratification of Retaliation for Exercise of First Amendment Rights

1. Did plaintiff Danny Singson prove, by a preponderance of the evidence, that Neil Telford, Marcia Raines and/or Chief Violett knew of and approved defendant Raffaelli's acts of retaliation?

Yes _____ **No** _____

Please go to Part E.

**1 Part E. Claims against Defendant City of Millbrae
Fair Employment and Housing Act - Retaliation**

3 1. Did the plaintiff prove, by a preponderance of the evidence, that the City of
4 Millbrae engaged in conduct that, taken as a whole, materially and adversely affected the terms and
conditions of plaintiff Danny Singson's employment?

Yes No

7 If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part F.

9 2. Did the plaintiff prove, by a preponderance of the evidence, that plaintiff's
1 complaints of discrimination and/or retaliation were a motivating reason for the City's conduct?

Yes _____ No _____

3 If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part F.

5 3. Did plaintiff Singson prove, by a preponderance of the evidence, that he was
harm?

17 || Yes _____ No _____

9 If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part F.

4. Did the plaintiff prove, by a preponderance of the evidence, that the City of
21 Millbrae's conduct was a substantial factor in causing plaintiff harm?

23 Yes _____ No _____

Please go to Part F

1 **Part F.** **Compensatory Damages**

2
3 If you answered "Yes" to Question A(3), Question B(3), Question C(3), Question D(1), and/or
3 Question E(4), then answer the following question; if not, then go to the end of this verdict form, and sign
3 and date it where indicated.

4
5 1. What is the total amount of damages that plaintiff Singson proved, in accordance with the
5 instructions you have been given and the evidence in the case?

6 \$_____

7 Please go to Part G.

1 **Part G. Punitive damages:**

2 If the answer to Question A(3) was "Yes," please answer this question; if not, go to Part G, Question 3:

3 1. Re: Defendant Telford: Did plaintiff Singson prove, by a preponderance of the evidence, that
4 the conduct of defendant Telford both harmed plaintiff and was malicious, oppressive or in reckless
disregard of plaintiffs rights, as those terms have been defined for you in these instructions?

5 Yes _____ No _____
6

7 If your answer to this question is "Yes," then please answer the next question. If your answer to this
8 question is "No," please go Part G, Question 3.

9 2. What amount of punitive damages do you award against defendant Telford?

10 \$ _____
11

12 If your answer to Question B(3) was "Yes," please answer this question:

13 3. Re: Defendant Raines: Did plaintiff Singson prove, by a preponderance of the evidence, that
14 the conduct of defendant Raines both harmed plaintiff and was malicious, oppressive or in reckless
disregard of plaintiffs rights, as those terms have been defined for you in these instructions?

15 _____ _____

16 If your answer to this question is "Yes," then please answer the next question. If your answer to this
17 question is "No," please go Part G, Question 5.

18 4. What amount of punitive damages do you award against defendant Raines?

19 \$ _____
20

21 5. Re: Defendant Raffaelli: Did plaintiff Singson prove, by a preponderance of the evidence,
22 that the conduct of defendant Raffaelli both harmed plaintiff and was malicious, oppressive or in reckless
disregard of plaintiffs rights, as those terms have been defined for you in these instructions?

23 Yes _____ No _____

24 If your answer to this question is "Yes," then please answer the next question. If your answer to this
25 question is "No," please go to the end of the verdict form, and sign and date it where indicated.

26 2. What amount of punitive damages do you award against defendant Raffaelli?

27 \$ _____
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United States District Court
For the Northern District of California

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Dated:

FOREPERSON